Pleastype a plus sign (+) inside this box PTO/SB/21 (08-00) Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE SEP 1 3 2002 Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number **Application Number &** RANSMITTAL TATEN 10/085,780 2040 **Confirmation Number FORM** Filing Date 2/28/2002 (to be used for all correspondence after initial filing) **First Named Inventor** Frieden **Group Art Unit** 2171 **Examiner Name** Total Number of Pages in This Submission PLM012001 Attorney Docket Number ENCLOSURES (check all that apply) Assignment Papers After Allowance Communication Fee Transmittal Form to Group (for an Application) Appeal Communication to Board of Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group Amendment / Reply Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Petition **Proprietary Information** After Final Petition to Convert to a Affidavits/declaration(s) Status Letter Provisional Application Power of Attorney, Revocation Other Enclosure(s) (please Change of Correspondence Extension of Time Request identify below): Address **Express Abandonment Request** Copies of Cited Documents, Postcard Terminal Disclaimer Information Disclosure Statement Request for Refund Certified Copy of Priority CD, Number of CD(s) Document(s) Response to Missing Parts/ Remarks Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Richard A. Dunning, Jr. Individual name Signature Date **CERTIFICATE OF MAILING** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: Type or printed name Richard A. Dunning, Jr. Signature Date Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time your are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR

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ITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frieden et al.

Art Unit: 2171

Serial No.: 10/085,780

Examiner:

Filed

: 2/28/2002

Conf. No.: 2040

Title

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DISCUSSION APPLICATION

SEP 1 8 2002

Commissioner for Patents Washington, D.C. 20231

Technology Center 2100

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56 and 1.97-98

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is a modified form PTO-1449 listing documents for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of documents, or that inclusion of a document in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months from the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Signature

Richard A. Dunning, Jr.

Typed or Printed Name of Person Signing Certificate

Applicant: Frieden
Serial No.: 10/085,780
Filed: 2/28/2002

mey's Docket No.: PLM012001

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		attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR		
			ant certifies pursuant to 37 CFR § 1.97(e), that:	
		П	each item of information contained in this Information Disclosure	
			Statement was first cited in a communication from a foreign patent	
			office in a counterpart foreign application not more than three	
			months prior to the filing of this Statement; OR	
			no item of information contained in this Information Disclosure	
		ш	Statement was cited in a communication from a foreign patent	
			office in a counterpart foreign application and, to the knowledge of	
			the person signing this certification after making reasonable	
			inquiry, no item of information contained in this Statement was	
			* *·	
			known to any individual designated under 37 CFR § 1.56(c) more	
	1 C	41	than three months prior to the filing of this Statement;	
	before the payment of the issue fee but after the mailing date of the first to occur of either (1) a first extian under 27 CFR & 1.112; or (2) an extian that otherwise			
	of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:			
		•	* *	
		Applica	ant certifies pursuant to 37 CFR. § 1.97(e) that: each item of information contained in this Information Disclosure	
		ш	Statement was cited in a communication from a foreign patent	
			office in a counterpart foreign application not more than three	
			months prior to the filing of this Statement; or	
			no item of information contained in this Information Disclosure	
		ш	Statement was cited in a communication from a foreign patent	
			office in a counterpart foreign application and, to the knowledge of	
			the person signing this certification after making reasonable	
			inquiry, no item of information contained in this Statement was	
			known to any individual designated under 37 CFR § 1.56(c) more	
			than three months prior to the filing of this Statement; AND	
			d hereto is the fee set forth under 37 CFR § 1.17 (p) for submission	
			Information Disclosure Statement under 37 CFR § 1.97(c); OR	
ш	after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according			
			1.97(i), although the information may not be considered by the	
	USPT(Ū	1.97(1), annough the information may not be considered by the	
This a	pplicati	on relie	es, under 35 U.S.C. § 120, on the earlier filing date of prior	
			, filed on, and the documents cited therein are	
hereby referenced, but are not required to be provided in this application under 37 CFR §				
1.98(d)).			
Each item of information contained in this Information Disclosure Statement was cited in				
a communication from a foreign patent office in a counterpart application, and the				
communication was not received by any individual designated in 37 CFR § 1.56(c) more				
than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR §				
1.704(d).			

Applicant: Frieden Serial No.: 10/085,780 Filed: 2/28/2002 A ney's Docket No.: PLM012001

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Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed documents and favorable action are respectfully requested.

Date:

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Telephone: 831.420.0561 Facsimile: 413.541.0092 Respectfully submitted,

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